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అధికారమువలన ప్రచురించబడినది.

నెం. 3(2)

గుంటూరు, 2012వ సంవత్సరము, మార్చి నెల, 20వ తేది, మంగళవారము

Copy of :-

PROCEEDINGS OF THE COLLECTOR & DISTRICT MAGISTRATE, GUNTUR

Present : SRI V.N. VISHNU, I.A.S.,

[ R. Dis. No. 664/2005/C4,

Dated : 11-02-2012]

Sub ÷ CASTE VERIFICATION - Guntur District - Bapatla Mandal - Enquiry conducted by the District Level Scrutiny Committee - Complaint received against Sri Kurapati Mariyadas, Ex-Chairperson of the Bapatla Municipality - Cancellation of Hindu Mala - SC temporary caste certificates issued by the Tahsildar, Mangalagiri on 23-7-2004 and the Tahsildar, Bapatla, dated 18-8-2008.

Read ÷

- 1 Representation of Dr. Ambedkar Seva Samajam, Ambedkar Bhavan, Bapatla, dated 18-4-2006.
- 2 This office Rc. No. 664/2005/C4, dated 2-5-2006 addressed to the RDO., Tenali.
- 3 Secretary, A. P. State Commissioner for SC's ST's, Hyderabad Ir. No. 51/741/GIR/2006, dated 19-4-2006.
- 4 Secretary, A. P. State Election Commission, Hyderabad, Ir. No. 379/SEC-F2/2006, dated 3-5-2006.
- 5 Rc. No. 692/06/D, dated 3-8-2006 of the Revenue Divisional Officer, Guntur.
- 6 Rc. No. 51/741/GIR/2006, dated 18-9-2006 of the Secretary, A. P. State Commission for SC's, ST's, Hyderabad.
- 7 Ir. No. 379/SEC-F2/2006, dated 3-9-2007 of the Secretary (FAC) State Election Commission, Secunderabad.
- 8 This office Rc. 664/2005/C4, dated 7-10-2010.

- 9 Ir . Rc. D/252/2010, dated 29-1-2011 of the Joint Director , Social W elfare, Guntur .
10. This of fice Rc. 664/2005/C4, dated 23-9-2011.
11. This of fice Notice Rc. 664/2005/C4, dated 18-10-2011.
12. Findings of the District Level Scrutiny Committee, dated 14-12-2011.
13. This of fice Final Notice, dated 30-12-2011.
14. Representation of Sri Kurapati Mariyadas, dated 13-1-2012.
15. Other connected papers.

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ORDER :

Dr .Ambedkar Seva Samajam, Bapatla has filed a complaint before the Collector , Guntur on 18-4-2006 against Sri Kurapati Mariyadas, Ex-Chairman of Bapatla Municipality under Section 5 r/w Section 12 of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act 1993 (Act No. 16 of 1993), in which Sri M. Jaya Rao, General Secretary of the Association stated that Sri Kurapati Mariyadas has obtained a false certificate claiming as a candidate belonging to scheduled Caste from the Mandal Revenue Of ficer , Bapatla and contested for the post of Councilor from W ard No. 8 of Bapatla Municipality , which is reserved for Scheduled Caste. Later he contested for the post of Chairman of the Bapatla Municipality , which is also reserved for candidate belonging to Scheduled caste. He further stated that after the enquiries made by the association, they learnt that the individual' s family belongs to Christian Mala and the entire family professes Christianity. Basing on the said caste, the individual prosecuted his studies, secured employment in the erstwhile APSEB/APSPDCL and worked with the said employer till his retirement and obtained all benefits as B.C.C. After retirement and on announcing elections to the Bapatla Municipality which was reserved for Scheduled Castes, with a fraudulent intention to contest and usurp the said office, the individual attained forged, fabricated fake Transfer Certificate which had been issued by a non-existing school called Smt.Kasu Raghavamma Municipal High School, Kothapet, Guntur and on the support of that certificate he obtained Scheduled Caste Certificate from the Mandal Revenue Of ficer , Bapatla at about 15 days before the date of filing of the said nomination.

Finally , he requested the authority to take further steps for cancellation of the said caste certificate and also for prosecution of Sri Kurapati Mariyadas under Section 12 of the Act 16 of 1993 and also filed certain documents in token of their contentions. The said complaint was transmitted to the Revenue Divisional Of ficer ,Tenali with a direction to enquire into the matter personally and submit a detailed report with record of enquiry as the caste was referred to the DLSC.

In the meanwhile the Secretary A.P.State Commission for SC' s, ST' s Hyderabad has reported that Sri Mariya Das belongs to BC-C Christian community has produced bogus SC caste certificate for grabbing the position of Municipal Chairman by political influence, and requested to take legal action against the person.

Subsequently , the Secretary ,State Election Commission, Secunderabad has informed that Sri Mariya Das, Chairman, Bapatla Municipality got himself elected to the said office reserved for Scheduled caste on the basis of a false caste certificate.

Further , the Secretary ,A. P.State Commission for Sc' s, ST' s, Hyderabad has informed that as per the enquiry report conducted by the CID it is revealed that Sri Kurapati Mariya Das R/o Pedavallapudi Village, Guntur District prepared a bogus sixth Class Transfer Certificate said to been issued by the Head

Master of Smt. Kasu Sayamma, Municipal High School, Kothapet, Guntur and produced the same before the Election officer at the time of Municipal Election and got elected as Municipal Counselor under SC quota, it is stated that on enquiry, the Head Master of the said school stated that the Transfer Certificate in question was a fake document and no certificate was issued to him on 17-7-2004 or earlier. Originally he was converted Christian and secured a job in APSEB in the year 1977 basing on the BC Certificate (Christian Mala) and retired on 31-6-2003 as Assistant Lineman. Finally, the Additional Director General of Police has informed that Sri Kurapati Mariya Das prepared and presented a fabricated Transfer Certificate along with documents to the Election Officer and committed offences under Section 468/471/474 & 476 IPC and requested to take necessary action.

In this regard, the Revenue Divisional Officer, Tenali did not specifically report the caste of the individual except reporting the facts relating to this enquiry and the matter was referred to the DLSC. As per the instructions of the Collector, Guntur the case was referred to the DLSC and the DLSC conducted enquiry under the Chairmanship of the Joint Collector on 30-12-2006, 31-1-2007, 21-2-2007, 30-4-2007, 12-7-2007 and 8-8-2007, but the individual did not attend the meeting or sent any communication and final notice was issued to the individual.

Consequently, the Secretary (FAC) State Election Commission, Secunderabad has informed that the High Court, A.P., delivered judgement stating that it has been proved beyond doubt that Sri K. Mariya Das who belongs to BC-C category played fraud by making a false claim that he belongs to SC, contested and got elected as Councilor from Ward No. 8, and Chairman of the Municipal Council which were reserved for Scheduled Caste category and informed that a prosecution has to be launched against Sri K. Mariya Das as per the provisions of Section 12 of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993. The Revenue Divisional Officer, Tenali has reported in the Ir. D. Dis 692/06/F, dated 11-5-2009 that the Supreme Court of India passed interim orders on 5-9-2007 on the special leave petition filed by Sri K. Mariya Das against the judgement dated 25-7-2007 in W A No. 1/07 passed by the High Court Division Bench wherein the Election of the petitioner as Councilor/Chairperson of Bapatla Municipality was set aside and he was held to have played fraud on the constitution by obtaining the caste certificate as belonging to Hindu - Mala (SC) and his caste was recorded as Christian Mala (BC) in school and Service records. In this regard the Revenue Divisional Officer, Tenali has requested the Municipal Commissioner, Bapatla to file counter. The Municipal Commissioner, Bapatla vide his Rc. No. 1545/04/C1, dated 21-8-2009 has informed that the Supreme Court of India issued a direction relating to the case of Sri K. Mariya Das, Ward Member and Chairperson of Bapatla Municipality that the genuinity of the caste has to be decided by the competent authority. As the matter is pending before the DLSC, a notice was issued to Sri K. Mariya Das, Ward Member to attend before the DLSC on 20-11-2009 but the individual did not appear before the DLSC. The Tahsildar, Bapatla informed that the individual intimated that he could not attend the meeting as he has to attend training programme at Hyderabad. The individual has attended the DLSC which was held on 12-1-2010 and requested to grant time to present some additional evidence after obtaining from the Supreme Court. Later, the DLSC was held on 16-4-2010, 4-5-2010, 22-5-2010, 26-6-2010, 8-7-2010 and 28-9-2010 respectively.

As per the instruction of the Joint Collector & Chairman, DLSC., dated 28-9-2010, the case of Sri Kurapati Mariyadas, S/o Sangeetha Rao was referred to Joint Collector, Social Welfare, Guntur to submit a detailed report.

The Joint Director, Social Welfare, Guntur has stated in his Ir. Rc. D. Supt. /252/2010, dated 28-1-2011 that his enquiry revealed that Sri Kurapati Mariya Das S/o Sangeetha Rao, R/o Relli Colony, 2nd Ward, Bapatla Town is treated as Hindu Mala - SC basing on the following documents issued by the concerned Christian Missionaries and other documents.

1. Sri M. P. Prabhakara Rao, President of Centenary Baptist Church, Zion Church, Bapatla, dated 12-10-2010 has stated that Sri Kurapati Mariyadas S/o Sangeetha Rao was not their church members as it is a fact.
2. The Mandal Revenue Officers, Mangalagiri and Bapatla have also issued caste certificates of Sri Kurapati Mariyadasu, S/o Sangeetha Rao, R/o Relli Colony, 2nd Ward, Bapatla Town, Ex-Ward member as SC Hindu- Mala (Photostat copies enclosed).
3. The neighbours statement recorded by the Joint Director , Social Welfare, Guntur was also enclosed.
4. The Executive Officer , Bhava Narayana Swamy Temple, Bapatla Town and Mandal has stated that Sri Kurapati Mariyadasu S/o Sangeetha Rao comes to the temple and participate in all Hindu Festivals in the Temples.
5. The Headmistress stated that Sri Kurapati Mariyadasu has not studied in their school i.e., MPP Elementary School (L. E.B) Pedavadlapudi Village, Mangalagiri Mandal as per school records.
6. Sri Rev.T. Prabhakara Rao, Pastor , Father Heyer Lutheran Church has stated that Sri Kurapati Mariyadasu S/o Sangeetha Rao is not their Church member .
7. Captain S.S.S.Singh, Salvation Army,Vettivaripalem of Malapalli, Bapatla has stated that Sri Kurapati Mariyadasu, S/o Sangeetha Rao is not their Church member .
8. The elders of Malapalli of Pedavadlapudi Village has stated that Sri Kurapati Mariyadasu, S/o Sangeetha Rao belongs to Hindu Mala Community and he follows Hindu Traditions and culture.
9. The Elders of Lutheran Church, Bapatla have stated that Sri Kurapati Mariyadasu, S/o Sangeetha Rao is not their church member .
10. The Pastor of Rev. B. Ravindra Babu, AEL Church, Old Mangalagiri has stated that Sri Kurapati Mariyadasu, S/o Sangeetha Rao is not their church member .
11. The Elders of Lutheran Church, Pedavadlapudi Village have stated that Sri Kurapati Mariyadasu, S/o Sangeetha Rao is not their church member .

The Joint Director , Social Welfare, Guntur further stated that he personally enquired about Sri Kurapati Mariyadasu, S/o Sangeetha Rao and recorded his statement as follows :

- (a) Sri Kurapati Mariyadasu, S/o Sangeetha Rao studied 5th class but the certificate was not produced at the time of his enquiry , he stated that he has studied 5th class nearly 56 years ago, no educational certificate are available with him.
- (b) Sri Kurapati Mariyadasu has studied 5th class in Lutheran Elementary School, Pedavadlapudi Village, Mangalagiri Mandal, the individual approached Pedavadlapudi school and requested the Head Mistress for certificates, but the Head Mistress has stated that the school was converted as Govt. School, and his educational certificates are not available in the school.

- (c) Sri Kurapati Mariyadasu, S/o Sangeetha Rao has stated that the Electricity Department has entered his caste in his service role as BC-C Mala without any documentary proof.

Finally, the Joint Director, Social Welfare, Guntur has submitted that Sri Kurapati Mariyadasu, S/o Sangeetha Rao, R/o Relli Colony, 2nd ward Bapatla Town is treated as Hindu Mala - SC, basing on the above documents issued by the concerned Christian Missionaries and other documents.

Later, as per the orders of the Joint Collector on 26-4-2011 the same was referred to Revenue Divisional Officer, Guntur and Tenali for submitting their reports with specific remarks. The Revenue Divisional Officer, Tenali has submitted his report vide Rc. 1051/2011/F, dated 25-6-2011 stating that the Tahsildar, Bapatla has informed in his letter Rc. 522/06/C, dated 2-6-2011, Sri Kurapati Mariyadasu, S/o Sangeetha Rao was a Native of Pedavaddlapudi Village of Mangalagiri Mandal, and for the last 40 years he settled in Bapatla Town as he worked in Electricity Department in and around Bapatla Mandal. The individual belongs to Hindu-Mala (SC) caste and follows the Hindu customs, traditions, prays Hindu Gods and participating Hindu festivals like "Sree Rama Navami" "Ganesh Navaratri" "Sri Bhavamarayana Swamy Radha Yatra". The MEDO, Mangalagiri has also sanctioned Government loan under SC category to his brother Kurapati Prabhudas and the school certificates of his sister and their children are also noted as "Hindu Mala". The individual is residing in the locality where SC people are living. The elders of the Christian Missionaries of Bapatla Town stated that he did not take Baptism and did not attend to the churches.

Finally, the Revenue Divisional Officer, Tenali has stated that basing on the report of the Tahsildar, Bapatla, Sri Kurapati Mariya Dasu, S/o Sangeetha Rao is treated as "Hindu-Mala - SC Community" and also enclosed the enquiry report of the Tahsildar, Bapatla.

As per the instructions of the Joint Collector & Chairman of the District Level Scrutiny Committee, Guntur, dated 23-9-2011, the Deputy Superintendent of Police-III, CID, RCIU, Guntur has submitted the records secured by the then Enquiry Officer, CID, RCIU, Guntur viz., (1) Service Roll covering page of Sri Kurapati Mariya Dasu showing the caste, issued by the Assistant Engineer, APSPDCL, Bapatla (2) Letter of Head Mistress, Kasu Sayamma Municipal Corporation High School, Guntur (3) Model of T. C. issued by the H. M., K. S. M. C. High School, Kothapet, Guntur (4) Copy of T. C. submitted by Sri Kurapati Mariya Dasu (5) Enquiry report of Inspector of Police, CID, RCIU, Guntur dated 21-8-2006.

As per the enquiry report conducted by the Inspector of Police, CID, RCIU, Guntur, revealed that Sri Kurapati Mariya Dasu prepared a bogus sixth class Transfer Certificate said to have been issued by the H. M., of Smt. Kasu Sayamma Municipal High School Guntur. On enquiry the H. M. stated that, the T. C. was a fake and fabricated document and no certificate was issued to him on 17-7-2004 or earlier. In support of her claim she gave the following reasons :

- (d) that there were no Senior Number and Admission Number on the TC in question.
- (e) that the fake TC form was found prepared in Computer, whereas, the TCs they use are taken from a printed TC book.
- (f) that in the second page of the Fake TC she observed similar irregularities i.e.,
- (c) The signature of the Headmaster as well as the initials of the clerk found on the TC was not related to the employees who worked in their school and the certificate itself was a forged document.
- (d) The words 'Andhra Pradesh' appeared in the fake TC were printed in the lower portion of it in one line. But in the TC register of their school, the said word 'Andhra' was printed in the first line while the word 'Pradesh' was got printed in the second line.



The above facts clearly established that the respondent prepared a bogus TC and produced it before the Election Officer at the time of elections for his wrongful gain.

The Inspector of Police, CID, RCIU, Guntur further stated that at the time of enquiry the Divisional Electrical Engineer, Operation APSPDCL, Tenali stated that the individual was initially appointed as Helper in the erstwhile APSEB as (BC-C) Christian candidate and thereafter he retired as Asst. Line man. The name of the individual was entered in the seniority list of Asst. Line Man upto 31-3-2004 in Sl. No. 9 as BC-C candidate; date of birth on 1-7-1945 and passed 5<sup>th</sup> class and that he retired on 31-6-2003.

Further stated that the individual was originally a converted Christian and he further secured the job in APSEB as person of Christian religion. There is no evidence to show that the respondent reconverted as Hindu thereafter except the Transfer Certificate purported to have been issued by the Head Master, Smt. Kasu Sayamma Municipal High School, Guntur.

Finally, the CID authorities stated that the circumstances explained above as per the evidences collected, it is established that Sri Kurapati Mariya Dasu prepared and presented a fabricated Transfer Certificate along with documents to the Election Officer at the time of Municipal Election for his wrongful gain willfully, voluntarily and elected as Municipal Councilor in SC quota and occupied the post of Municipal Chairman as SC candidate as he is originally converted Christian BC-C as per records.

Accordingly, the District Level Scrutiny Committee completed their enquiry and the committee under the Chairmanship of the Joint Collector, Guntur has decided to give a final chance to the individual to prove his caste claim and issued notice on 20-10-2011 with a direction to produce any proofs supporting his community claim. Sri Kurapati Mariya Dasu attended before the DLSC which was held on 8-11-2011 under the Chairmanship of the Joint Collector and furnished a statement. He stated that his native was Pedavallapudi village of Mangalagiri Mandal and now he is residing at Bapatla since 1969. He joined Electricity Department as NMR during 1969 and got promotions in 1977, 1996 as construction helper, Asst. Lineman respectively as well as retired from services in 2003. Though the Christian Mala (BC-C) was recorded in his Service Register, he and his family members and relatives belong to SC Community.

Kurapati Mariya Dasu further stated he studied up to 5<sup>th</sup> class at Pedavallapudi village, joined 6<sup>th</sup> class in Kasuraghavamma School, Guntur and discontinued his studies. During 1969 joined Electricity Department as NMR. In 1974 married Sujatha @ Subbamma belonging to SC. His wife is not educated. Haveela, their daughter is studying Senior Inter and her caste is mentioned in the school records as Hindu-Mala SC.

He further stated that he was elected as Councilor from 8<sup>th</sup> Ward of Bapatla Municipality and subsequently became the Chairperson of the said council. For those elections, he has submitted the SC caste certificates issued by the Mandal Revenue Officer, Mangalagiri in 2004 and Mandal Revenue Officer, Bapatla in 2003. A complaint was filed against him due to the political grudges, then the High Court did not take into consideration the documentary evidences produced by him at the time of enquiry to support his SC caste claim to the CID authorities, issued orders that the individual belongs to Christian Mala (BC-C) which was wrongly mentioned in the Service Register. Afterwards he filed a case before Supreme Court against the orders of the High Court and the Supreme Court ordered that the case was remanded to the competent authority.

Finally he stated that he belongs to Hindu Mala (SC). As well as his wife, daughter and blood relatives all belong to Hindu-Mala - SC. In this connection, the caste certificates of the individuals issued

by the Mandal Revenue Officer, Mangalagiri and Bapatla along with the certificates of their daughter, children of his brother were submitted for kind perusal. Finally he stated that due to the political conspiracy to dislodge him from the post of the Municipal Commissioner of Bapatla, they complained that he belongs to BC-C, and requested to consider his caste as Hindu-Mala (SC).

The District Level Scrutiny Committee reviewed the enquiry reports and documentary evidences furnished by the Enquiry Offices, Viz., (1) Revenue Divisional Officer, Tenali (2) CID Report (3) Tahsildar, Bapatla (4) Joint Director, Social Welfare (5) Evidences produced by the individual before the DLSC and came to conclusion that the T.C. produced by him before the Election Officer proved to be a fake one; he retired from service in 2003 till when, he has not claimed that he belongs to SC and the records produced by C.I.D that the records available in the Govt. Office where he worked and got retired clearly establish that he belongs only to BC-C. The evidences, that his family members are issued "SC" caste certificates, as produced by the respondent though count, the main question posed before the DLSC is whether the allegation of Dr. Ambedkar Seva Samajam, Bapatla that he produced fake TC certificate before Election Officer to claim 'SC' status for contesting in urban local bodies election is held answered beyond doubt. The report of CID in this regard establishes beyond doubt that the said TC produced is false one.

Hence, District Level Scrutiny Committee finally conclude that since no new evidence are filled by the respondent that post 2003, after retiring from APSEB where the records clearly establish that he belongs to BC-C community, he got recorded as Hindu except the T.C.

Hence, DLSC concludes that he did not produce any concrete evidences support corroborating to his claim that he belongs to "SC" community.

Thus the DLSC opines that the failure of the individual to prove his caste claim as "Hindu-Mala - SC", the Temporary caste certificate issued by the Tahsildar, Mangalagiri and Bapatla, dated 23-7-2004 and 17-8-2008 correspondingly has to be cancelled.

Agreeing with the recommendations of the District Level Scrutiny Committee, a notice was issued by the Collector to show cause why the "HINDU MALA - SC" temporary caste certificates issued in favour of Sri Kurapati Mariya Dasu, S/o Sangeetha Rao by the Tahsildar, Mangalagiri and Bapatla, dated 23-7-2004 and 18-8-2008 correspondingly should not be cancelled basing on the recommendations of the District Level Scrutiny Committee.

In reply to the notice, Sri Kurapati Mariya Dasu S/o Sangeetha Rao has put in a representation stating that some persons who are inimically disposed of towards jealousy that the poor man was elected as Chairman of Municipality they filed a petition and managed Electrical department and entered in the register as if he belongs to Mala Christian after his retirement. But nowhere mentioned in any document that he did not belongs to Scheduled Caste community, and he was never baptised and he was not a member of any Christian Church and requested to declare him as Hindu-Mala (SC) candidate and to do justice.

After going through the entire record and explanation offered by the individual, it was concluded that the recommendations of the DLSC on cancelling the "Hindu - Mala - SC" caste certificate issued in favour of Sri Kurapati Mariya Dasu S/o Sangeetha Rao by the Tahsildar, Mangalagiri and Bapatla, dated 23-7-2004 and 18-8-2008 correspondingly needs to be cancelled as the individual did not produce any concrete evidences support corroborating to his caste him "Hindu - Mala - SC".

In view of the above I, V.N. Vishnu, I.A.S., Collector and District Magistrate, Guntur in exercise of the powers conferred by the Government under Section 5(1) of the A. P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 16 of 1993 read with Rule 9(7) of A.P. (SC, ST & BC) issue of

Community, Nativity and Date of Birth Certificate Rules 1997, in G. O. Ms. No. 58, Social Welfare Department, dated 12-5-1997, hereby cancel the "Hindu - Mala - SC" temporary caste certificate issued to Sri Kurapati Mariya Dasu S/o Sangeetha Rao issued by the Tahsildar, Mangalagiri on 23-7-2004 and the Tahsildar, Bapatla, dated 18-8-2008

V.N. VISHNU,  
Collector & District Magistrate,  
Guntur.

#### NOTIFICATION

In view of the recommendations of the District Level Scrutiny Committee and in exercise of the powers conferred by the Government under Section 5(1) of the A. P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 16 of 1993 read with Rule 9(7) of A.P. (SC, ST & BC) issue of Community, Nativity and Date of Birth Certificate Rules 1997, communicated vide G. O. Ms. No. 58, Social Welfare (J) Department, dated 12-5-1997, it is hereby declared that the "Hindu - Mala - SC" Temporary Caste Certificate of Sri Kurapati Mariya Dasu S/o Sangeetha Rao issued by the Tahsildar, Mangalagiri on 23-7-2004 and the Tahsildar, Bapatla, dated 18-8-2008 is hereby cancelled as it could not be proved that he belongs to "Hindu - Mala - SC".

V.N. VISHNU,  
Collector & District Magistrate.

Guntur,  
11<sup>th</sup> February, 2012.

[Rc. No. 664/05/C4.

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